The meeting was called to order at 3.15 p.m.

ORGANIZATIONAL AND OTHER MATTERS (continued)

Proposed programme of work

1. The CHAIRMAN, referring to the proposed programme of work, said that since the Committee would not be considering the third periodic report of Jordan, the Bureau proposed that the meetings on 22 March 1994 should be devoted to the draft general comment and that both meetings on 23 March 1994 should be devoted to communications.

2. He took it that the Committee adopted the proposed programme of work, as orally amended.

3. It was so decided.

4. The CHAIRMAN said that, in connection with the Committee's request for a special report on the implementation of certain articles of the Convention, the Mission of Burundi had indicated that it was willing to send representatives to the Committee to provide an oral report.

5. Mrs. HIGGINS said that the Committee's agreeing to hear an oral report from Burundi would create an unfortunate precedent; the Committee needed a report from the highest levels of government, consistent with the requirements of the Covenant. The Committee needed a written report in order to be able to prepare for its consideration and check information against its own sources. She therefore recommended that Burundi should be asked to submit a written report for consideration by the Committee in July.

6. Mr. SADI agreed; in requesting additional information, the Committee had specified that it should be submitted in writing and by a certain date. If the Committee waived those requirements, it would establish a precedent and its own credibility would suffer. The Committee needed to have a high-level dialogue with people who were well prepared and privy to events in Burundi.

7. Mr. DIMITRIJEVIĆ said that he fully agreed; the Committee, and the public at large, needed a report in written form on the exact situation in Burundi.

8. Ms. EVATT agreed that the Committee should maintain its established procedures in dealing with reports from States Parties. However, she had some misgivings about the means by which the Committee had selected certain States and requested them to submit special reports and the appropriateness of requesting reports in situations where there was a breakdown of State structures.

9. Mrs. CHANET agreed that the Committee should follow its procedures and not make exceptions for certain countries. She asked how the question of making an oral report had arisen and whether the offer to make an oral report had constituted a refusal to submit a written report; if so, there would be no

(Mrs. Chanet)

possibility of receiving a written report. Some response would have to be made to Burundi's offer.

10. Mr. NDIAYE said that, while he agreed with earlier speakers, he felt that the Committee should not discourage the Government of Burundi; it should send a courteous letter explaining why it could not hear an oral report, and perhaps setting a new time-limit of reasonable duration.

11. Mr. EL-SHAFEI said that Burundi was going through an unusual situation and it was unlikely to be in a position to provide a written report. If its representatives appeared before the Committee, that would be a demonstration of Burundi's accountability and would show that the Committee was able to have a dialogue with a country that was passing through difficulties. The Committee should not set a further time-limit if it had the opportunity of receiving up-to-date information at the current session; it should not determine in advance that the information would be too meagre. The Committee should listen to the oral report from Burundi; it could then ask for more specific information in written form.

12. Mr. WENNERGREN said that he agreed; the situation in Burundi was so alarming that it would be unfortunate not to take advantage of the opportunity to meet the Ambassador of Burundi to exchange views and receive information. The Committee could also specify what kind of written report it would need at a later stage.

13. Mr. POCAR said that since the Committee had decided to ask for a special report to be submitted by the end of January, it would have to take certain action if the report was not submitted; it had not decided what to do in such cases. The time-limit should be extended, perhaps informally, and Burundi should be informed that if it had difficulty in preparing the report, it could request advisory services for the purpose. If Burundi was unable to submit a report in July, the Committee could consider the situation in the absence of a report.

14. Mr. LALLAH said that in order to preserve the value of the special reports it requested, the Committee should insist on receiving written reports, as in the case of Iraq and Yugoslavia. If Burundi presented an oral report, it would not be possible to consider it in a systematic manner, and such a report would be a rather useless tool in an alarming situation. To extend the time-limit for much longer than the initial time-limit would be difficult; it could perhaps be extended to July or August so that the Committee could consider the report in October.

15. Mr. AGUILAR said that, in view of the critical situation in Burundi, the Committee should consider the situation as soon as possible and not wait until October. The Committee should request a written report as soon as possible for consideration in July.

16. Mr. MAVROMMATIS said that the Committee could not do without a report in the circumstances; to do so would undermine its role of requesting special

(Mr. Mavrommatis)

reports about grave situations. The Chairman should try to persuade Burundi to submit a report, even if it was short.

17. Mr. FRANCIS said that in another situation the Committee had been unwilling to waive a country's obligation to formalize its comments in a report; therefore, the Committee could not grant such a possibility to Burundi.

18. Mrs. KLEIN (Representative of the Secretary-General) said that the Secretariat had informed the Government of Burundi of the Committee's request for a special report; it had not received a reply by mid-February, and had then informed the Government of Burundi that the Committee would be considering the question in March and requested it to submit a report as soon as possible. No reply had been received, and the Secretariat had therefore contacted the Permanent Mission of Burundi, which had indicated that it was not aware of any report but that, if the Committee wished, representatives of Burundi could go to the Committee to explain the situation.

19. The CHAIRMAN said that he would contact the Ambassador of Burundi for further clarification of the situation; however, it seemed that the consensus was not to proceed with an oral presentation by Burundi. He took it that those were the Committee's wishes.

20. It was so decided.

21. The CHAIRMAN said that the Committee would therefore consider the draft general comment on the afternoon of 25 March 1994, as originally planned.

Lists of issues to be taken up in connection with the consideration of the reports submitted by States parties in conformity with article 40 of the Covenant

Second periodic report of El Salvador (CCPR/C/51/Add.8)

Section I

22. The CHAIRMAN recalled that it had been suggested at the previous meeting that section I should consist of paragraphs (a) to (e) and that paragraphs (f) to (n) should form a new section II. Paragraph (a) of the existing section II should be moved to section I. A new paragraph about missing persons and persons in detention would be added to section II.

23. Mr. AGUILAR, referring to paragraph (i) of the new section II, said that it seemed absurd to ask such a question in the aftermath of a war, when it was obvious that there had been many violations of any rules and regulations there might have been governing the use of weapons by police and security forces. He suggested that paragraph (i) should be deleted altogether; the Committee could always ask oral questions on that aspect.

24. Section I, as orally amended was adopted.

25. The CHAIRMAN said that the current section II would become the new section III on article 14 and that, if he heard no objection, he would take it that the Committee wished to adopt it, minus its paragraph (a), now transferred to section I.

26. It was so decided.

27. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt the new section IV, the former section III.

28. It was so decided.

29. The list of issues to be taken up in connection with the consideration of the second periodic report of El Salvador, as amended, was adopted.

Third periodic report of Jordan

30. Mr. POCAR said that one option with respect to the list of issues relating to Jordan's report would be to consider it as provisional, and subject to reconsideration by the Working Group in July, which could then make another recommendation to the plenary; another would be to go straight to the plenary with the current list or to finalize it at the current session. In any case, the status of the provisional list had to be made clear to the Government concerned.

31. Mr. WENNERGREN said that the list was just a recommendation by the Working Group which could be finalized by the Committee at its July session. The Permanent Mission of Jordan should be informed accordingly.

32. Mr. NDIAYE said that it would be preferable to finalize the list at the current session in order to give Jordan time to prepare its replies. As for any new issues which might arise before July, since each member of the Committee could ask oral questions, the Committee could always adapt the definitive list to the circumstances.

33. Mr. DIMITRIJEVIĆ said the most advisable procedure would be for the Secretariat to notify the Jordanian mission informally that the current list was a preliminary one, that a final list would be established when Jordan came before the Committee to answer questions on its periodic report, and that in addition to the main questions there were usually supplementary questions.

34. Mr. MAVROMMATIS said that in all fairness, the Committee should try to adopt the list at the current session. However, nothing prevented the Committee as a whole or individual members from asking further or new questions that might arise before the July session.

35. Mrs. EVATT said that the list should be adopted at the current session, while leaving open the possibility of supplementing it prior to the next session. That would enable Jordan to treat it as the official list and prepare to deal in July only with amendments or additions.

36. Mr. LALLAH, supported by Mr. FRANCIS and Mr. AGUILAR, said that the Committee should deal fairly and equally with all States whose reports it was examining. There was no reason to adopt the list at the current session: the Committee only adopted lists of issues when it was going to consider a report, not when one was scheduled. Moreover, there were a number of other points on which the Committee might wish to ask questions officially.

37. Mr. BRUNI CELLI agreed that the list should not be discussed at the current session. It could be taken up when the Government of Jordan decided to come before the Committee.

38. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished him to inform Jordan that the list of issues was provisional. A new list of issues would be adopted when Jordan came before the Committee to answer questions relating to its periodic report.

39. It was so decided.

The meeting rose at 4.20 p.m.